

ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE

DATE: 6/3/11
START: 1:05 pm
END: 2:05 pm

DOCKET NO: 10 CV 2618

CASE: Kosher Sports v QBC

☒ INITIAL CONFERENCE
☒ DISCOVERY CONFERENCE
☐ SETTLEMENT CONFERENCE

☐ OTHER/ORDER TO SHOW CAUSE
☐ FINAL/PRETRIAL CONFERENCE
☒ TELEPHONE CONFERENCE

(Recorded)

FOR PLAINTIFF:

Ira Tokayer

FOR DEFENDANT:

Avery Mehlman + Jon Adler

non-party Dramark: Kevin Brennan (first part of call only)

DISCOVERY TO BE COMPLETED BY _____

NEXT _____ CONFERENCE SCHEDULED FOR _____

JOINT PRE-TRIAL ORDER TO BE FILED VIA ECF BY _____

PL. TO SERVE DEF. BY: _____

DEF. TO SERVE PL. BY: _____

RULINGS: PLEASE TYPE THE FOLLOWING ON DOCKET SHEET

The Court denies the request of third-party Dramark^(DE #68) to either require that the parties rely on deposition testimony in lieu of live testimony of Dramark witnesses at Tuesday's evidentiary hearing or adjourn the hearing. Instead, to accommodate the Dramark witnesses' schedules, the Court will commence the hearing at 9:00 a.m. on June 7, 2011, will take the testimony of Messrs. Funk and Kleckner out of turn (at 10:00 a.m. and 1:00 p.m., respectively), and will defer Mr. Grey's testimony, if it is

required, to Friday, June 10.

The Court defers ruling on defendant's motion for a preclusion order or other sanctions (DE # 64). Plaintiff shall, in pain of preclusion, furnish the Court and defense counsel, by 4:00 p.m. today, copies of the surreptitiously recorded conversations that plaintiff has withheld from discovery production, along with all transcripts of any portions of those conversations. Defendant shall furnish the Court with the full transcript of the discovery hearing on March 29, 2011, and counsel shall forward to the Court, as soon as they are available, copies of the deposition transcripts of Messrs. Katz, Funk and Kleckner.

Plaintiff's written response to defendant's motion for sanctions must be filed by 11:00 a.m. on June 6, 2011.